

**INITIAL STATEMENT OF REASONS**  
Title 13, Division 1, Chapter 1  
Article 4.7 – Schools for Traffic Violators

The Department of Motor Vehicles (department) proposes to adopt Sections 345.03, 345.75, 345.76 and 345.77 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to Schools for Traffic Violators.

Historically, the department has exercised oversight of Traffic Violator School (TVS) programs operating in classroom settings; however, no authority existed to oversee home study or online TVS programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) places home study and online TVS programs under the authority of the department. AB 2499 allows the department to provide operator training requirements, curriculum requirements, prescribe application forms, as well as establish guidelines for those TVS programs not under department purview prior to the bills passage.

This action will implement the requirement that applicants for an original TVS operator license present proof of completion of an eight hour TVS operator educational training program (program) and applicants for a renewal TVS operator license to present proof of completion of a four hour program.

This action will also implement standards required for a TVS operator educational training program to be approved by the department. Standards specified in this action include completion of a prescribed application, educational content, examination requirements, as well as other standards based on the modality of the program being submitted for departmental approval.

The provisions of the TVS operator educational training program established in this action are authorized under Vehicle Code section 11202.5, as effective September 1, 2011, and are necessary to ensure operators are current on information related to the department's TVS program.

Authority Cited: Vehicle Code section 11202.5 implements requirements for Operators of Traffic Violator Schools. Vehicle Code section 11204 establishes criteria for the issuance and renewal of licenses for operators of traffic violator schools.

**§345.03 TVS Operator Training**

Subsection (a) is adopted to require Traffic Violator School (TVS) operators to complete an educational program as a condition of licensure. Vehicle Code section 11202.5(a)(4) requires a TVS operator applicant to successfully complete an educational program of not less than four hours. The program is to focus on operator responsibilities and current statutes and regulations.

Subsection (a)(1) is adopted to require an applicant for an original or reinstatement of a TVS operator license to successfully complete an eight hour educational program, pursuant to Vehicle Code section 11202.5(a)(4). Although statute authorizes the program to be of a

Traffic Violator Schools  
Initial Statement of Reasons

period “not less than four hours” the department has determined it necessary to require new applicants to attend an eight hour educational program. The expanded course will allow applicants to gain additional knowledge not readily available to a new operator.

Subsection (a)(2) is adopted to require an applicant who is renewing a TVS operator license to take a four hour educational program. It is anticipated that a currently licensed operator will have sufficient working knowledge so that a program of four hours is sufficient.

Subsection (a)(2)(A) is adopted to ensure that successful completion of a four hour educational program will be acceptable as evidence of professional continuing education as required by Vehicle Code section 11204(b)(1) and (2).

Subsection (a)(2)(B) is adopted to ensure that a four hour program is adequately capturing the same subjects as the eight hour program.

**§345.75. TVS Operator Educational Training Program Approval.**

Subsection (a) is adopted to require the applicant to submit a Request for Approval of TVS Operator Educational Training Program, form OL *TBA* (Rev. *TBA* ) when requesting program approval by the department. This subsection also requires the applicant to submit program materials based on the modality of the program being submitted for approval.

Request for Approval of TVS Operator Educational Training Program, form OL *TBA*

The department is authorized by Vehicle Code section 1652(a) to prescribe and provide suitable forms of application.

The form OL is divided into three distinct sections. Section one consists of the applicant contact information, Section two consists of transaction information and Section three contains the applicant certification and signature.

In Section one, the applicant is required to disclose his or her name, address and telephone number. These fields are required for proper identification and are consistent with all departmental forms. This section also allows for the disclosure of the applicant’s e-mail address. This field is necessary for contact purposes, particularly when the modality of the program is home study or internet based.

Section two serves the following purposes:

- Identifies the CCR section where TVS operator training requirements can be accessed,
- Reminds the applicant that all documents being submitted must contain the name, address and phone number,
- Requires a detailed list of materials being submitted,
- Requires the applicant to indicate by check which modality of program is being submitted,

Traffic Violator Schools  
Initial Statement of Reasons

- Requires the applicant to indicate by check whether the program will be an eight hour program, as required for new applicants, or a four hour refresher, as required for currently licensed operators.

All of these items are necessary to ensure proper review of program material.

Section three contains the applicant certification and signature. The applicant is required to sign under penalty of perjury under the laws of the State of California that the information contained on the form is true and correct. Departmental forms are authorized under Vehicle Code section 1652(b) to require an applicant to sign under penalty of perjury. This is standard to all departmental forms.

The applicant is also required to further certify that the material submitted is an original educational program exclusively produced by the applicant provider and any copyright material contained therein is disclosed. Lastly, the applicant is certifying that he or she has received written permission to use the protected material.

Subsection (a)(1) is adopted to ensure an applicant is aware that a separate approval is required for each modality.

Subsection (a)(2) is adopted to require the applicant to indicate whether the program being submitted is an eight hour or a four hour program. This information is necessary for the department to conduct an accurate review of lesson material.

Subsection (b) is adopted to provide educational requirements for an educational program. This section is necessary to ensure all of the educational topics are covered sufficiently for the program length being submitted.

Subsection (b)(1) and (b)(1)(A) through (b)(1)(J) is adopted to provide subject material required to be presented in a course for approval. Required subject matter consists of material geared towards giving an operator applicant in depth training related to the effective operation of a TVS program, including required subject matter and effective teaching techniques and administrative duties, such as recordkeeping and office procedures.

Subsection (b)(2) is adopted ensure program providers are duly noticed that it is their responsibility to make certain that the content being presented accurately reflects ongoing changes to applicable laws and regulations. This provision is necessary to hold providers accountable for the content of their program.

Subsection (b)(2)(A) is adopted to require a provider to submit course material to the department for review when a substantial change has been made. Under these circumstances, a departmental review is necessary to ensure the updated content is accurate.

Subsection (b)(2)(B) is adopted to inform providers that, when a modified lesson plan is reviewed by the department, a letter of approval or disapproval will be sent.

Traffic Violator Schools  
Initial Statement of Reasons

Subsection (b)(2)(B)1. through 3. are adopted to require the department to take steps to ensure an approved program is identifiable by a certification number or a disapproved program is returned with an list of deficiencies.

Subsection (b)(3) through (b)(3)(C) are adopted to require course participants to take a final examination at the end of the program. An unlicensed applicant taking the eight hour program is required to take a final examination consisting of fifty questions within a sixty minute time limit. A current operator licensee taking a four hour renewal course is required to take a final examination consisting of twenty-five questions within a thirty minute time limit. The department has determined that fifty questions for an eight hour program and twenty-five questions for a four hour program will sufficiently allow a program provider to test the knowledge gained by course participants. This section also allows for the examination time limit to be counted towards part of the entire course program time requirements.

Subsection (b)(4) is adopted to ensure a training plan submitted to the department ensures compliance with the Americans with Disabilities Act (ADA.). This subsection cites the United States Code section for applicants to verify compliance prior to submitting a program for approval.

Subsections (c) through (e) are adopted for clarity and consistence. Since all programs differ greatly it is necessary to place specific requirements on each modality to ensure all facets of information being given to participants have undergone department review.

Subsection (c) places specific requirements on providers submitting for approval of a classroom program.

Subsections (c)(1) and (c)(1)(A) through (c)(1)(C) are adopted to require educational program providers to submit the lesson plan to the department for review. To ensure all required subject matter is presented by a lesson plan, the plan must have a table of contents, sequentially numbered pages, a time schedule for each area presented, including break periods and administrative activities. This will allow for a thorough yet efficient departmental review.

Subsection (d) places specific requirements on providers submitting for approval of a home study program.

Subsections (d)(1) through (d)(2) are adopted to require providers of home study programs to submit a sample of workbook and/or other materials used for instruction, including copies of the final exam, if the exam is paper based. These requirements are necessary to ensure the information contained is reliable and accurate.

Subsection (d)(3) is adopted to ensure home study programs comply with Americans with Disabilities Act (ADA) provisions.

Traffic Violator Schools  
Initial Statement of Reasons

Subsection (e) places specific requirements on providers submitting for approval of an internet program.

Subsections (e)(1) and (2) are adopted to require the provider to submit sequentially numbered screen prints of the internet program presentation. The subject website is required to have a web link and specified contact information that a participant can utilize when encountering a problem or having a question.

Subsections (e)(3) through (e)(3)(C) are adopted to require an internet program to require the participant to take a final examination with that examination taking place seven hours into an eight hour program and three and a half hours into a four hour program. These time parameters will allow for the final examination time limits as specified in subsection (a)(3) of this section. Second, in an effort to ensure the integrity of the final examination, this subsection requires the examination to be randomized. Lastly, participants are permitted to pause the examination to refer to course material, if necessary.

Subsections (e)(4) and (e)(5) are adopted to require the website to be password protected and require the user to provide an identification and password to access program material. This feature is necessary to control access to the program material and provide a level of security as a deterrent to misuse of the approved material and program site. These provisions will also allow the department to conduct periodic reviews of the site, if necessary.

Subsection (e)(6) is adopted to ensure internet programs comply with Americans with Disabilities Act (ADA) provisions.

Subsection (f) is adopted to require an internet educational program provider to post the department's Legal Notice and Disclaimer on the website. This disclaimer is used in several sections related to the department's occupational licensing program. Most recently, this disclaimer was adopted in the Mature Driver Improvement Course program regulations, approved with OAL File Number 2008-0910-02, filed on October 20, 2008.

**§345.76. TVS Operator Educational Training Program Completion Certificates.**

Subsection (a) provides information required to be on a completion certificate.

Subsections (a)(1) through (a)(6) require a completion certificate to include the participant's identifying information, completion date, course length and modality, provider identifying information, a unique identifier and a statement certifying the person identified on the certificate is the person who attend and completed the course.

These requirements are necessary for the department to authenticate a participant's completion of an approved course. Because course completion is a requirement of TVS operator licensure, it is vital the department ensure the course participant completed the appropriate course as required by Vehicle Code section 11202.5.

Traffic Violator Schools  
Initial Statement of Reasons

Subsection (b) is adopted to allow a completion certificate to be valid for only one year from the date of completion. This is necessary to ensure an applicant is current on the required educational content of the program.

Subsection (c) is adopted to require a program provider to submit a copy of the completion certificate to the department for approval. The review is necessary to ensure all required components, as identified in subsections (a)(1) through (a)(4), are included. This will also allow the department to authenticate a certificate when submitted with an application for a TVS operator license.

Subsection (d) is adopted to ensure all providers are aware that they are responsible for the security of their completion certificates, from creation to issuance. A breach in the security of completion certificates will call into question the reliability of all completion certificates distributed by that provider as well as operator applications submitted with those certificates. For the integrity of the department's TVS program, and that of the subject educational training program, it is necessary for program providers ensure completion certificates are secure.

Subsection (e) is adopted to prohibit a completion certificate from being granted to a participant who has not completed the program, submitted an identification card or driver license or passed the final examination. As above, this will ensure the reliability of completion certificates submitted with an operation application.

Subsection (f) is adopted and requires a provider to retain records of all certificates issued for three years. This is necessary to enable the department to validate that a training completion certificate submitted is valid and not fraudulent.

**§345.77. TVS Operator Educational Training Program Attendance.**

Subsection (a) is adopted to require a person to be refused admittance to an operator educational program unless he or she presents a valid California driver license or identification card. This is necessary for the program provider to ensure the true identity of the participant and, in turn, allow the department to verify the TVS operator applicant attended the educational program as required.

Subsection (b) is adopted to prohibit the California driver license or identification card number from being visible when the number is submitted electronically. This is necessary to ensure the security of the participant's identification information.

Subsection (c) is adopted to require a home study or internet program to present statements to participants prior to the collection of fees. These statements are necessary for the participant to be aware of specific requirements prior to the participant paying for the course. This advance notification will act as a safeguard to allow the participant to ensure he or she is equipped with acceptable forms of identification prior to beginning the course.

Traffic Violator Schools  
Initial Statement of Reasons

Subsection (c)(1) notifies a participant that he or she should contact the department prior to beginning the application process to ensure he or she is aware of the TVS operator application requirements.

Subsection (c)(2) notifies a participant that the California driver license or identification card submitted must be current and valid to be utilized as acceptable evidence of identity for TVS operator educational training program attendance verification.

Subsection (c)(3) notifies a participant that the completion certificate issued at the end of the program will be valid for submission with an application for one year from the date of issuance.

Subsection (d) is adopted to disclose the effective date of this section. The above adopted provisions are required pursuant to AB 2499.